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Application Granted.

So Ordered:
February 28, 2024


Hon. P. Kevin Castel, U.S.D.J.

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VIA ELECTRONIC CASE FILING

Hon. P. Kevin Castel, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, New York 10007

2-28-24

Re: **Trs. of the New York City District Council of Carpenters Pension Fund,
et al. v. Alite Flooring, LLC, et al.; Civil Action No.: 22 CV 0522 (PKC)**

Dear Judge Castel:

This firm represents the Plaintiffs (or "Funds") in the above-referenced action. We write with the consent of counsel for the Defendants to respectfully request an extension of time for Plaintiffs' Rebuttal Testimony, along with the parties' proposed Joint Pre-Trial Order. This is the sixth request for an extension of the briefing schedule, of which it is the fourth sought by Plaintiffs. The first request, due to a delay by the auditors, was granted. The second and third requests, due to personal health issues on the part of Plaintiffs' counsel, were also granted, as were the fourth and fifth requests submitted on the basis of Defendants' counsel's family commitments. There is no upcoming conference or hearing scheduled in this matter.

Defendants timely submitted their direct testimony and trial brief on February 26, 2024. The testimony submitted directly attacks much of the testimony submitted by Plaintiffs in their trial submissions and poses numerous potential factual disputes and questions which can – and must – be addressed in Plaintiffs' rebuttal testimony. This will require the undersigned to coordinate and obtain rebuttal testimony from up to four witnesses (each of whom have their own schedules and conflicts). This is impractical to do within five business days, particularly because the undersigned had unexpected air travel plans arise this weekend, which – while outside of regular business hours – will impede the ability to timely and carefully complete Plaintiffs' submissions. Based upon the foregoing, Plaintiffs respectfully request, with the consent of counsel for Defendant, that the Court allow until March 15, 2024 for Plaintiffs to submit their rebuttal testimony, and for the parties to finalize and submit their Joint Pre-Trial Order.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/Maura Moosnick

Maura Moosnick, Esq.

cc: Richard Ziskin, Esq. (via ECF)